

Federal Trade Commission

§ 304.5

PART 304—RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT

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AUTHORITY: 15 U.S.C. 2101 *et seq.*

SOURCE: 40 FR 5496, Feb. 6, 1975, unless otherwise noted.

§ 304.1 Terms defined.

(a) *Act* means the Hobby Protection Act (approved November 29, 1973; Pub. L. 93-167, 87 Stat. 686, (15 U.S.C. 2101 *et seq.*)).

(b) *Commerce* has the same meanings as such term has under the Federal Trade Commission Act.

(c) *Commission* means the Federal Trade Commission.

(d) *Imitation numismatic item* means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item. Such term includes an original numismatic item which has been altered or modified in such a manner that it could reasonably purport to be an original numismatic item other than the one which was altered or modified. The term shall not include any re-issue or re-strike of any original numismatic item by the United States or any foreign government.

(e) *Imitation political item* means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy or counterfeit of an original item.

(f) *Original numismatic item* means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person, object, place, or event. Such term includes coins, tokens, paper money, and commemorative medals.

(g) *Original political item* means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(h) *Person* means any individual, group, association, partnership, or any other business entity.

(i) *Regulations* means any or all regulations prescribed by the Federal Trade Commission pursuant to the Act.

(j) *United States* means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

(k) *Diameter of a reproduction* means the length of the longest possible straight line connecting two points on the perimeter of the reproduction.

[40 FR 5496, Feb. 6, 1975, as amended at 53 FR 38942, Oct. 4, 1988]

§ 304.2 General requirement.

Imitation political or numismatic items subject to the Act shall be marked in conformity with the requirements of the Act and the regulations promulgated thereunder. Any violation of these regulations shall constitute a violation of the Act and of the Federal Trade Commission Act.

§ 304.3 Applicability.

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder.

§ 304.4 Application of other law or regulation.

The provisions of these regulations are in addition to, and not in substitution for or limitation of, the provisions of any other law or regulation of the United States (including the existing statutes and regulations prohibiting the reproduction of genuine currency) or of the law or regulation of any State.

§ 304.5 Marking requirements for imitation political items.

(a) An imitation political item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked with the calendar year in which such item was manufactured.